

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Suzanne Genereux, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 04-cv-12137 JLT
)	
American Beryllia Corp., et al.)	
)	
Defendants.)	
)	

**MOTION OF DEFENDANT HARDRIC LABORATORIES, INC. FOR
SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, Defendant Hardric Laboratories, Inc. (“Hardric”) moves for summary judgment in its favor as to all remaining claims in the Amended Complaint for the above-captioned complaint. The grounds for this motion, set forth more fully in the accompanying memorandum, are that (1) that plaintiff cannot assert any product liability claims against Hardric because she did not work with any Hardric products; (2) Plaintiffs’ claims are barred by the statute of limitations; (3) even if Hardric had supplied any products used by Genereaux, Hardric is relieved of any duty to warn her of any dangers of beryllium because it reasonably relied on Raytheon, a sophisticated, regular, and knowledgeable beryllium user; (4) even if Hardric had supplied any products used by Genereux, her harm was not caused by Hardric’s warnings because Raytheon removed them before she could have seen them; (5) Plaintiffs’ consumer protection claims fail because she cannot prove the underlying liability of Hardric; (6) the underlying loss of consortium claims also fail on that basis; (7) there is no cause of action for fear of future injury or medical

monitoring in Massachusetts; and (8) in Massachusetts, there is no strict liability for ultra-hazardous materials in a products liability claim.

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 7.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, Defendant Hardric requests the opportunity for oral argument on its motion for summary judgment.

LOCAL RULE 7.1(a)(2) CERTIFICATION

The Undersigned hereby certifies, pursuant to Local Rule 7.1(a)(2), that she has conferred with counsel for the Plaintiff in good faith to attempt to resolve or narrow the issues in dispute, and that those efforts were not successful.

Dated: November 27, 2006

Respectfully submitted,

/s/ Frances C. Lindemann, Esq.

Frances C. Lindemann, Esq.

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